

Page 174

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
 3 CHARLOTTE DIVISION
 4 CASE NO. 3:16-cv-00695GCM

5 BARONIUS PRESS, LTD.,)
 6 Plaintiff,)
 7 vs.)
 8 SAINT BENEDICT PRESS, LLC,)
 9 Defendant.)
 10 _____)

11 VIDEOTAPE 30B(b) (6) DEPOSITION OF BARONIUS PRESS, LTD.

12 BY PAVEL KEJIK (Continued)

13 (Taken by Defendant)

14 Charlotte, North Carolina

15 Thursday, March 22, 2018

16 VOLUME II

17

18

19

20

21

22

23

24 Reported in Stenotype by

Mary L. Labonte, RPR

25 Transcript produced by computer-aided transcription

Page 176

INDEX	EXAMINATION	PAGE
1 EXAMINATION BY MS. POTTER	178/220	
5 EXAMINATION BY MR. ISHMAN	206	
6		
7 * * *		
8 EXHIBITS		
9 EXHIBIT	DESCRIPTION	PAGE
10 Exhibit 17	Baronius Press 2-17-14 Announcement	185
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

Page 175

1 APPEARANCES

2

3 ON BEHALF OF THE PLAINTIFF:

4

5 MARK W. ISHMAN, ESQUIRE
 6 ISHMAN LAW FIRM, P.C.
 Forum I Building
 8601 Six Forks Road, Suite 400
 Raleigh, North Carolina 27615
 919.468.3266
 mishman@ishmanlaw.com

8

9 ON BEHALF OF THE DEFENDANT:

10

11 NATALIE D. POTTER, ESQUIRE
 12 JONATHAN E. BUCHAN, ESQUIRE
 13 ESSEX RICHARDS
 2710 South Boulevard
 Charlotte, North Carolina 28203
 704.377.4300
 npotter@essexrichards.com
 jbuchan@essexrichards.com

14

15 ALSO PRESENT:

16

17 SEAN LOWTHER, VIDEOGRAPHER

18

19

20

21

22

23

24

25

Page 177

1 On March 22, 2018, commencing at 8:56 a.m., the
 2 videotape 30(b) (6) deposition of BARONIUS PRESS, LTD.
 3 BY PAVEL KEJIK was continued, pursuant to notice and
 4 pursuant to Rules 26 and 30 of the Federal Rules of
 5 Civil Procedure, on behalf of the Defendant, at the
 6 law offices of Essex Richards, 1701 South Boulevard,
 7 Charlotte, North Carolina.

8 THE VIDEOGRAPHER: Today's date is
 9 March 22, 2018. The time on the monitor is
 10 approximately 8:56 a.m. and we're now on the record.
 11 Here begins volume two, media number one, in the
 12 30(b) (6) deposition of Paul Kejik in the matter of
 13 Baronius Press, LTD, Plaintiffs, versus Saint Benedict
 14 Press LLC, Defendant.

15 The case is in the United States District
 16 Court for the Western District of North Carolina,
 17 Charlotte Division, Case Number 3:16-cv-00695-gcm.
 18 Location of the deposition is the law offices of Essex
 19 Richards PA at 1701 South Boulevard, Charlotte, North
 20 Carolina 28203.

21 My name is Sean Lowther, videographer. The
 22 court reporter is Mary Labonte. And we are
 23 representing CaseWorks Court Reporting.

24 If counsel would please state your name and
 25 who you represent starting with Attorney Potter.

Page 182

1 Basically people knowing the Fundamentals are not
 2 being updated, full of errors, doctrinal errors, they
 3 turn to a similar -- similar work and basically
 4 started buying that we believe.

5 MR. BUCHAN: Could you say the name of that
 6 title one more time --

7 THE WITNESS: Yes.

8 MR. BUCHAN: -- clearly for us and spell it
 9 if you can?

10 THE WITNESS: I'm not -- I can't spell it.
 11 It's Denzinger-Hunermann Compendium. It's from
 12 Ignatius Press. It's got a really long Latin name,
 13 but by that, it should be easily searchable.

14 Q. So if there's a competing product that you
 15 contend is superior to what Saint Benedict Press has
 16 been printing, how is that harm to you -- how does
 17 that harm Baronius?

18 A. I didn't say it's superior. It's now -- it
 19 has become the choice for people who basically are
 20 abandoning this edition in order to get at least
 21 something. Catholics don't like to buy books which is
 22 not correct. And if they want to strengthen their
 23 faith, if they want to refer to something, they buy a
 24 product which basically gives them what they want.
 25 And they -- if you search for books available on the

Page 184

1 since -- since your client still keeps selling this,
 2 it's very difficult to quantify it. Had your client
 3 stopped selling it, we would have been able to
 4 start -- start the process.

5 Q. But you should be able -- you've been given
 6 some information about what they sold, I believe
 7 fairly recent information as to what they've sold. So
 8 you've not been able to calculate the damages with
 9 what we've given you to date?

10 A. I mean, in the last three months, your
 11 client could have sold another 1,000 or 2,000 copies.
 12 We don't know.

13 Q. And if you had the exact number, would
 14 you -- who at Baronius Press would be doing the
 15 calculations?

16 A. Nobody at Baronius Press. I said a
 17 professional who is qualified and who would be able to
 18 give the proper numbers based on their qualification.

19 Q. Okay.

20 A. Whether an accountant or forensic accountant
 21 or some kind of damage professional.

22 Q. So no one at Baronius Press would be
 23 qualified to provide that information?

24 A. No.

25 Q. Okay. Baronius Press has alleged in its

Page 183

1 market, you come across this. It's not entirely --
 2 it's on a similar subject.

3 If I understood it correctly from my
 4 colleague, some parts you can find in here. And if
 5 somebody is looking for something specific, they just
 6 buy this product in order to refer to that.

7 Q. What colleague are you referring to?

8 A. Carlos Antonio Palad, the coeditor of
 9 Fundamentals.

10 Q. What other damages do you contend Baronius
 11 Press has suffered as a result of Saint Benedict's
 12 publication of Fundamentals of Catholic Dogma?

13 A. It was the time we had to spend on this case
 14 defending our rights and all the legal costs we
 15 incurred.

16 Q. Has Baronius Press suffered a quantifiable
 17 monetary loss as a result of Saint Benedict Press's
 18 publication of Fundamentals of Catholic Dogma?

19 A. I believe it has, but I am not competent to
 20 quantify it. It would have to be a professional who
 21 is familiar with how to quantify this amount.

22 Q. So why haven't you been able to quantify it?

23 A. Well, we still do not have the full amount
 24 of the exact number of copies that Saint Benedict
 25 Press sold. I believe we requested it in November and

Page 185

1 amended complaint that Saint Benedict Press knowingly
 2 and willfully engaged in acts intended to damage
 3 Baronius. And I believe you even published a similar
 4 statement on your website at some point. Do you
 5 recall that?

6 A. We did not publish it.

7 Q. Okay. Let me hand you -- what exhibit
 8 number are we on?

9 A. Sixteen.

10 THE VIDEOGRAPHER: Hold on a minute.

11 MR. ISHMAN: 17.

12 THE VIDEOGRAPHER: I think you're at 17.

13 MS. POTTER: 17. Just so we're clear.

14 (Exhibit Number 17 was marked for
 15 identification.)

16 Q. So I've handed you what's labeled as
 17 Exhibit 17. Can you read that over?

18 A. All of it?

19 Q. No. Just review it and identify it. Tell
 20 me what it is.

21 A. It is a draft screenshot of -- of what --
 22 well, of what we were thinking of publishing on our
 23 website, which we sent to Saint Benedict Press.

24 Q. Okay. So it was never published?

25 A. No.